

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

EYDIE T. DIANGELO
individually and on behalf of the class
defined herein,

Plaintiffs,

vs.

UNIFUND CCR PARTNERS;
CREDIT CARD RECEIVABLES FUND, INC.,
and ZB LIMITED PARTNERSHIP,

Defendants.

FILED: JUNE 3, 2008

08CV3205 TG

JUDGE DARRAH

MAGISTRATE JUDGE SCHENKIER

COMPLAINT – CLASS ACTION

INTRODUCTION

1. Plaintiff brings this action to secure redress from unlawful credit and collection practices engaged in by defendants. Plaintiff alleges violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692 et seq. (“FDCPA”). The FDCPA broadly prohibits unfair or unconscionable collection methods; conduct which harasses, oppresses or abuses any debtor; and any false, deceptive or misleading statements, in connection with the collection of a debt; it also requires debt collectors to give debtors certain information. 15 U.S.C. §§1692d, 1692e, 1692f and 1692g.

VENUE AND JURISDICTION

2. This Court has jurisdiction under 15 U.S.C. §1692k (FDCPA), 28 U.S.C. §1331 and 28 U.S.C. §1337.

3. Venue and personal jurisdiction in this District are proper because defendant’s collection communications were received by plaintiff within this District.

PARTIES

4. Plaintiff Eydie T. Diangelo is an individual who resides in Chicago, Illinois.

5. Defendant Unifund CCR Partners (“Unifund”) is a general partnership which is engaged in the businesses of (a) a bad debt buyer, purchasing charged-off debts allegedly owed by consumers and attempting to collect them from the consumers and (b) a collection agency, collecting for clients debts allegedly owed by consumers..

6. Unifund CCR Partners operates from an address of 10625 Techwoods Circle, Cincinnati, Ohio 45242.

7. Unifund CCR Partners states on its Web site, www.unifund.com, that “Unifund is one of the country's leading purchasers, sellers and managers of under-performing and distressed consumer receivables. Unifund offers sellers an opportunity to unlock the value of their dormant delinquent receivables” The same Web site also states, “In 1989, Unifund began buying distressed loan portfolios on a national scale from small banks and retailers. One year later, the company began purchasing portfolios from large financial institutions. Today, the company is one of the largest buyers and resellers of consumer debt in the nation.”

8. According to an interview of Unifund’s principal executive officer in the Cincinnati Enquirer, Nov. 23, 2004, Unifund pays four to ten cents on the dollar for debts and recovers an average of 20 cents on the dollar.

9. Unifund CCR Partners owns approximately \$12 billion in charged-off debts, according to an interview of its principal executive officer in the Cincinnati Business Courier of September 3, 2007. Dan Monk, “Consumer debt? He loves it; Unifund thrives by taking on others' unpaid bills, to tune of \$12 billion.”

10. The same Web site also describes Unifund’s collection agency business: “For a variety of reasons, you may choose to maintain ownership of your long-overdue receivables. In that case, we manage those accounts for you to extract the same value we realize from our owned accounts. We use the same internal and external data sources, work with the same network of partners, and bring the same innovation and proprietary technology to the management of your portfolios. We are efficient in determining what works best to unlock value

from your accounts.”

11. Unifund CCR Partners is a “debt collector” as defined in the FDCPA, 15 U.S.C. § 1692a(6).

12. On information and belief, defendant Unifund CCR Partners has two partners, Credit Card Receivables Fund, Inc. and ZB Limited Partnership.

13. Defendant Credit Card Receivables Fund, Inc. is a corporation chartered under the laws of the State of Ohio and a general partner of Unifund. It operates from an address of 10635 Techwoods Circle, Cincinnati, Ohio 45242. As general partner, all acts of Unifund are chargeable to it.

14. Defendant ZB Limited Partnership is a limited partnership entity chartered under the laws of the State of Delaware and is a general partner of Unifund. Its address for service of process is The Prentice-Hall Corporation System, Inc., 2711 Centerville Road, Suite 400, Wilmington, DE 19808. As general partner, all acts of Unifund are chargeable to it.

FACTS RELATING TO PLAINTIFF

15. On or about August 23, 2007, Unifund CCR Partners sent plaintiff Diangelo the letter attached as Exhibit A.

16. The letter sought to collect purported credit card debts incurred for personal, family or household purposes.

17. The letter refers to the credit card and states, “This letter is to inform you that Unifund currently owns or is servicing the above referenced account”

18. Exhibit A was the initial letter plaintiff received from defendant Unifund regarding the debts described therein.

19. On information and belief, Exhibit A was the initial letter defendant Unifund sent to plaintiff regarding the debt described therein.

20. On information and belief, Exhibit A represents a form letter intended for use by Unifund as the initial letter it sends to a consumer.

VIOLATIONS COMPLAINED OF

21. The “validation notice” section of the FDCPA, 15 U.S.C. §1692g, provides:

§ 1692g. Validation of debts [Section 809 of P.L.]

Notice of debt; contents

(a) Within five days after the initial communication with a consumer in connection with the collection of any debt, a debt collector shall, unless the following information is contained in the initial communication or the consumer has paid the debt, send the consumer a written notice containing--

- (1) the amount of the debt;**
- (2) the name of the creditor to whom the debt is owed; . . .**

22. Exhibit A does not disclose the name of the creditor to whom the debt is owed as required. By stating that Unifund “currently owns or is servicing the above referenced account,” when Unifund both purchases debts and collects debts owned by others, the letter fails to inform the recipient whether (a) Unifund owns or claims to own the the debt, (b) the debt is still owned by the original credit card company and Unifund is acting as its “servicer” or collection agency, or (c) Unifund is acting as “servicer” or collection agency for someone other than the original creditor who has purchased the debt.

CLASS ALLEGATIONS

23. Plaintiff brings this action on behalf of a class, pursuant to Fed.R.Civ.P. 23(a) and 23(b)(3).

24. The class consists of (a) all individuals in Illinois, Indiana or Wisconsin (b) to whom defendant sent an initial letter in the form represented by Exhibit A (c) on or after a date one year prior to the filing of this action, and less than 20 days after the filing of this action.

25. The class is so numerous that joinder of all members is not practicable. On information and belief, there are at least 40 members of the class.

26. There are questions of law and fact common to the class, which common

questions predominate over any questions relating to individual class members. The predominant common question is whether Exhibit A violates the FDCPA.

27. Plaintiff's claim is typical of the claims of the class members. All are based on the same factual and legal theories.

28. Plaintiff will fairly and adequately represent the class members. Plaintiff has retained counsel experienced in class actions and FDCPA litigation.

29. A class action is superior for the fair and efficient adjudication of this matter, in that:

- a. Individual actions are not economically feasible.
- b. Members of the class are likely to be unaware of their rights;
- c. Congress intended class actions to be the principal enforcement mechanism under the FDCPA.

WHEREFORE, the Court should enter judgment in favor of plaintiff and the class and against defendants for:

- (1) Statutory damages;
- (2) Attorney's fees, litigation expenses and costs of suit;
- (3) Such other and further relief as the Court deems proper.



Daniel A. Edelman

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JURY DEMAND

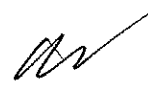
Plaintiff demands trial by jury.



Daniel A. Edelman

NOTICE OF LIEN

Please be advised that we claim a lien upon any recovery herein for 1/3 or such amount as a court awards.



Daniel A. Edelman

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EXHIBIT A

Privacy Statement

Unifund understands that your privacy is very important to you. Unifund has created this Privacy Policy, which explains what information we typically collect, how we use that information, and how we protect your privacy.

Collection of Information

Personally identifiable information that is collected may include:

- Contact information (including, but not limited to: name, mailing address, telephone number, fax number, email address)
- Financial information (including, but not limited to: credit or debit card number and expiration date, banking account number, name on account, billing address, account applications, account statements, credit bureau reports, employment information, and property ownership information)

Use of Information

Unifund will only release your contact information or financial information as permitted or required by law. Unifund uses your personally identifiable information to process and service your account. We also provide your contact information and financial information to third party consumer reporting agencies. Your contact information and financial information may also be shared with Unifund's affiliates, vendors, or servicers for the purposes of servicing your account. Unifund will provide your contact information and financial information to non-affiliated companies when your account is assigned or sold to such non-affiliated companies.

Confidentiality and Security

We restrict access to nonpublic personally identifiable information about you to those employees determined by Unifund to have a need to know the information. We maintain strict physical, electronic, and procedural safeguards to protect your information from unauthorized access by third parties.

Contacting Us

If you have inquiries or wish to provide feedback about our Privacy Policy, please contact us at:

Unifund
PO Box 42121
Cincinnati, Ohio 45242-0121
(888) 384-4452

Our office hours are Monday through Friday, 9am to 5pm EST, except for Federal Holidays and the Friday after Thanksgiving.

For Colorado residents:

FOR INFORMATION ABOUT THE COLORADO FAIR DEBT COLLECTION PRACTICES ACT, SEE
WWW.AGO.STATE.CO.US/CAB.HTM

For North Carolina Residents:
NC License #4073

For California Residents:

The State Rosenthal Fair Debt Collection Practices Act and the federal Fair Debt Collection Practices Act require that, except under unusual circumstances, collectors may not contact you before 8 a.m. or after 9 p.m. They may not harass you by using threats of violence or arrest or by using obscene language. Collectors may not use false or misleading statements or call you at work if they know or have reason to know that you may not receive personal calls at work. For the most part, collectors may not tell another person, other than your attorney or spouse, about your debt. Collectors may contact another person to confirm your location or enforce a judgment. For more information about debt collection activities, you may contact the Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.